

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF CAMPAIGN & POLITICAL FINANCE

ONE ASHBURTON PLACE, ROOM 1007  
BOSTON, MASSACHUSETTS 02108  
(617) 727-8352  
(800) 462-OCPP

MARY F. MCTIGUE  
DIRECTOR

September 27, 1989  
AO-89-23

Matt L. Barron  
Legislative Assistant  
Representative John George  
State House, Room 33  
Boston, MA 02133

Dear Mr. Barron:

This letter is in response to your request for an advisory opinion.

You are an appointed public employee working as a Legislative Assistant to Representative George. You supplement your income with a political consulting business called MLB Research Associates, which is a sole proprietorship.

You have inquired whether you may publish and sell a fundraising handbook/directory (the "Handbook"), a major component of which would be a detailed listing of political committees registered in Massachusetts. Information to be included in the book would come from the committees themselves, research of records on file with this Office and your own observations. You believe that potential buyers of the handbook include Massachusetts candidates, political committees, pollsters and political consultants. You have stated that the same sales price would be charged to all buyers and that no one would receive the book without charge. You have stated that Representative George is not a party to your effort nor would he benefit from it.

Section 13 of M.G.L. c.55 states, in part:

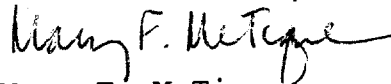
No person employed for compensation, other than an elected officer, by the commonwealth or any county, city, or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. . .

Section 13 prohibits any person employed for compensation by the Commonwealth or any political subdivision thereof from directly or indirectly soliciting or receiving contributions for any political purpose. It is the opinion of this office that the publication and sale of the Handbook by MLB Research Associates could be considered the direct or indirect solicitation by you of contributions for a political purpose. Although you will not be using the information you have gathered to solicit political contributions yourself, those individuals, committees and organizations to whom you sell the Handbook will use the information for such purposes. The perception that a public employee such as yourself was actively involved in providing assistance in fundraising efforts by candidates and committees would severely undermine the intent, if not the actual application, of section 13 of M.G.L. c.55.

This opinion is based solely on the representations made in your letter and in your telephone conversation with us on August 28, 1989. This opinion has been rendered solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,



Mary F. McTigue  
Director

MFm/wp